THE CODE NAPOLEON.

THE FRENCH CIVIL CODE: With the Various Amendments Thereto in Force on March 15, 1885. Translated by Henry Cachard. London: Stevens & Sons, Limited. 1885. Pp. xii, 611.

It is surprising that Englishmen and Americans should have had to wait so long for an adequate translation of the great code of French civil law. It is now nearly a century since it was first promade from time to time to its 2,281 sections; but these have chiefly been either of a minor and unimportant character or else they have been those that were rendered essential by change of the form of French government or else grew out Even these, taking the work as a whole, have been surprisingly few in number. And there is every reason to believe that the Code Napoleon will remain for many generations practically in the form in which the great French conqueror established it under his own name, as the substantive statement of the law of persons and

The French Civil Code, strictly speaking, is not a code at all in the sense in which that word is ordinarily used in England and this country. When we speak of codification we mean the reducing into a complete and systematic form of the whole body of the law as it exists at the time, including not only the common law as it has been established by custom and a long line of judicial decisions and precedents, but also as it has been modified by legislative enactment. And codification have had to meet at every step the active apprehension of the public, and especially of the bench and bar, that the work of codification would be used as a means of a statutory enunciation of the law, not as it really stood at the time, but as the codifiers thought it ought to And codes have been accepted and successfully established among us only as the people have been satisfied that they stated the existing law without substantial modification.

of the commission that he appointed. That kind of codification would have been impossible in France a century ago. Despite the previous efput it bluntly, no such thing as French law; or rather there were as many different kinds of French law as there were cities and NEW-YORK TO PHILADELPHIA, BALTIMORE AND provinces in the country. Voltaire's satire citizen in travelling in France must change his law with his horses. The task, therefore, that Napoleon entrusted to his commissioners, with M. Tronchet at their head, was not to state the law as they found it, but to create a new and complete was the best law to establish for the whole of France. The celerity with which this work was accomplished has been the occasion of criticis its report within four months after its appointment, their work was at once submitted to the judges of the highest courts, and the discussion of the proposed code was promptly taken up by the Council of State.

In these discussions Napoleon himself took a as a profession, he is said to have astonished his listeners by the acumen of his criticisms and by the aptness and convincing character of the reasons he assigned for adopting or rejecting chief provisions of the code. So great a share, indeed, that the propriety of the designation "Code Nanoleon" has never been questioned. He himself is reported to have regarded the code with great pride and satisfaction. But it has not escaped fault with the haste with which the work was carried through. But the Civil Code has successfully withstood all attacks, and to-day rests upon firmer foundations than ever before, not only in ope. Perhaps its greatest triumph outside of ment of Italian unity in 1866, the Code Napoleon was adopted in its most essential provisions and

features as the Italian Civil Code. The objection to the Civil Code most commonly instated upon is its rigidity and the difficulty in making its provisions meet the new exigencies of advancing civilization. The only way to incorporate new law into the code is by statutory amendment. But it is obviously impossible that such amendments should keep pace with the ever changing requirements of litigation in the courts. It is the elasticity of the common law of England with nicety to the conditions of each new case, code system. It is on this account that civil law codification has made so little progress where the English common law prevails. The battle for and against codification has been fought out most still the common law as against codification has perhaps a stronger hold upon the intelligence and respect of the people than ever before.

When the New-York Constitution of 1846 was formulated the French Civil Code was in great favor and its popularity and success doubtless had much to do with the agitation and discussions that resulted in incorporating into that Con of commissioners "to reduce into a written and a systematic code the whole body of the law of the State." There were many who, apparently forgetful of the different conditions existing in France and are still in doubt regarding his school, call on me at at the middle of the nineteenth century, believed that a civil code could be created that would set forth in succinct forn: as the Constitution com-

manded "the whole body of the law of the State." Among these code advocates none was more ardent, more courageous or more confident than fication from the most sincere and positive convictions. He saw no good reason why the law should not be accessible to every member of the community, and he regarded the opposition of his brethren of the bar as an evidence of their selfish influence of his enthusiasm and of his ability in presenting arguments in favor of what he considered the greatest of reforms that he actually gathered a large body of adherents around the banner of codification. Upon his shoulders, in the end, fell the chief burden of creating what has commonly been known as the Field Civil Code, which if adopted would have been for New-York much what the Code Napoleon has been to France. If any man single-handed could have accomplished the task assigned by the Constitution, Mr. Field was the man; and if his limitations has been as few and his power and opportunities as great as Napoleon's, it is easy to believe that he would have given to his native State a system of laws more perfect than that embodied in the French Civil Code. But neither his opportunities nor his limitations were the same; and although life work enacted into positive law, the common law at each such crisis triumphed, and several years before his death the great jurist came fully to realize that he would never see his Civil Code other strong voice has been raised in its favor, and it seems now almost forgotten. As the provision requiring codification was eliminated from the new Constitution it is doubtful if common law codification will ever, in the present generation at all events, be so near experimental real-

ization as it was several times in the closing years of Mr. Field's life.

But though such codification may not be popu-

lar or even be possible in this country and Eng land, that does not signify that the French Civil Code is not of use to English and American lawyers. On the contrary, the commercial and social relations between these countries are so large and so close, that the necessity to know more of the details of each other's institutions and law becomes greater each year. M. Cachard's translation of the Code Napoleon is a welcome addition to the present facilities for obtaining that knowl-Made by a Frenchman who has been accorded the right to plead in the courts of France it is natural to expect that this version will present in an accurate form all the nice shades of meaning of the technical law terms of the original and be of great assistance to all lawyers not of French birth. It is a well-known fact that many to make use either of their own translations of the French statute law or else of such translations as were most accessible to them. M. Cachard puts Foreign courts when called upon to decide questions of French law have sometimes rendered dein the modest conclusion of the author: "This book, it is to be hoped, may be found useful in preventing the recurrence of such cases."

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# REAL ESTATE.

BUSINESS AT THE EXCHANGES. The auction-rooms were unusually dull yesterday. As a rule, in the summer period, Tuesday is the busiest day of the week, but yesterday was an exception, and none of the operators and speculators were present. The announcements were all of a minor grade, and out of four only one parcel was

b. P. Ingraham & Co, sold under foreclosure proceedings No. 64 West One-hundred-and-nineteenth-st., a three-story brownstone dwelling, lot 17x160.11, to the plaintiff, James Floy, for \$14,301.

F. Zittel has sold the plot \$5.5x10.011, on the south side of One-hundred-and-fifth-st., about 162 feet east of Columbus-ave., for the Lawrence estate, to David E. Oppenhelmer and Oscar Hammerschiag, for improvement.

REAL ESTATE TRANSFERS. No 309 West; George W Levy to Ad-

Hith-st, No 526 East; Joseph Ruan to mina Lynch
47th-st, No 127 East; Maude A Wilson and husband to George R Bristow, ex-prop.
Edridge-st, No 18, and other property; Henry J
P Weyheusen and wife to Thomas J Farrell.
125th-st, No 178 West, Annie E Brown to James
W Redmond
125th-st, s s, 220 ft e of 7th-ave, 25x190.11; James
W Redmond to Johanna M Storp.
White Piains Road, e s, Lot 15, map of South
Washingtonville, 34 1x147x34.1x146.4; Catharine
Norz to William Withers, F. o William Withers, Ir. lave, e s. 130 ft n of Bathgate-ave, immanuel J. Attinelli and wife to Sa Andrew J connick and wife to Mark L.

e S. 228.6 ft s of Highbridge or FordLanding Hoad, 34887s x86.10, Frank
and wife to John J Duffy,

s 3.00 ft e of Sth-ave, 50x19.11; Mary
Next to Mary J Ryan,
n s, 125 ft w of Grand Boulevard, 100x
John J Egan and Paniel Halley and
to Clement L Despard,
a s 175 ft e of 10th-ave, 25x112.6, George
maint Thomas Scott
calling to residence of A R Van Nest and
at centre line, 20th-st, 64.10x435; Sarah
flett to Marie Kidwell,
property: Martha J Wester, and other ct to Marie Kidwell
coperty: Martha J Woster and others,
all and executify of James S Willet, to
A Wilst
w s, 59 ft s of 106th st, 20x97.3;
Decker and wife to Frederick Sect.
w s, 42d ft s of 1634.st, 18.11x95;
C Frederic to Emil W Boetcher.
s s, 175 ft e of 12th ave. 10xx80 11; L
Therassen, fr, to John J Hopper.
No 307 West; Sarah Darrogh to Matibla etate Society
170 ft e of Ed-ave, 20:100.11; Faul
wife to Lear Hamilton
Arden property, 24th Ward; Nettle
William D Contor gular, Watter begge H Engelt word Main-et, 49 10x37 1x and a second to Watter L Thompson, referee, to William Watter L Thompson and the second to the

off e of 6th ave. 25x1s.P. John M safe to Joseph H. Cafe. Il West, the executors of Peter id) West the executors of Peter one R Stratton.
Peter H Hynes and wife to same.
No. 12 to 18, John Stemme and arms O Mills 117.6 if a of 20 are 17 6x100.11; Shinek and wife to Pauline Wolf...
125 if w of 5th are 25x100 Henry
156 if in of 27th at 25x105 Henry
156 if in of 27th at 25x105 Henry
125 if w of 5th are 25x105 same
166 if n of 27th at 25x105 same
166 if n of 27th at 25x105; same Also n • 27th at 125 ft = of 5th
Also n • 27th at 125 ft = of 5th
Matilda E c Goodwin executive,
addington to Henry L Goodwin.
100 ft w of Scharz, 75x85 0 the
etc. Reformed Protestant Dutch

ob D, and wife to Thomas B Helden her committee for Charles T Hes-a 188h st, 170 d ft w of St Nicholas orge & Hamilia n a 148th at, 159.6 ft out and wife to Henry Lemman, 286 ft e of Playe, 2 178. Lands, to Herman M Solomon, No. 2,000 Sair at 1 year to Isaac Butler, brings H. and wife to Isaac Butler, ar at, 1989, it worf Main et, 1 year ... am. to James McLaughilla and Ellen a 65th at, 225 ft e of 10 house, 3 years age, and wife to Ella 9 Willias a e Nicholasa are and 126th at, 5 mentle, Sarah H. Powell, same property, 3 Henry L. to Matthia E C Goodwin, it and an executive, w a 5th are 56.6 Ethers, 5 most care, 3 years, thomas T sherman, n s 27th st, 125 ft are, A years 200,625 26,125 Thomas W. and wife to John H Smith, Great Jones St. 1 year, George, to George Hingler & Co. No. thorge, to theory Bingler & Co. No-are, demand, the not wife to Henry Pulling, n is let up Hyste Parm, 5 years, both A to John in I bewell, n a 94th at, w of Central Park West, 5 years, Mary L. and though W. to Minnie E n w cut Pallsade are and South are, 1 2.000

con w our Palisade ave and South-ave, I bligh, Patrick H, to Emanuel State, n shout 110 ft e of Weel Marve Marve, 1 year.

Il. Frank, and William S Chierinean and tam II brake to John B Smith, a a 107th 25 ft e of Madissia-ave, demand.

Joseph H, and wife to Webome S barvie, e.e., for Fannie Braser, n a 20th at, 250 ft e to ave. 3 years to John M Hughes, same property, I year ortho: H to Comm Dime satings Institution, Wooster st. 218.3 ft in of Bloocherst. S years 2 William D H, and wife to William Added a Lander of Schause, 3 years inch. Herman, to Carl Faber, s a Fardham e. 225 ft e of Grand-ave, 5 years.

Frederick, to F G Decker, w a Forest ave, t a of Iddichest, 5 years.

Prederick, to F G Decker, w a Flammer, 10th-ave, 74.1 ft in of 20th-at, 3 years.

BUILDING PLANS FILED.

The following plans for new buildings and alterations may been filed with the Building Department:

New buildings samuel-st, n s, 350 ft n of Franklyn-ave, one-story frame shed, by M J Leahy.

Story frame shed, by M J Leahy.

Story frame shed, the story brick dwelling and stable, by Henry O Havemeyer, of Green-story brick dwelling and stable, by Henry O Havemeyer, of Green-story brick dwelling and stable, by Henry O Havemeyer, of Green-story brick dwelling and stable, by Henry O Havemeyer, of Green-story brick dwelling and stable, by Henry O Havemeyer, of Green-story brick dwelling and stable, by Henry O Havemeyer, of Green-story brick dwelling and stable, by Henry O Havemeyer, of Green-story brick dwelling and stable brick dwelling and ad stable, by Henry O Havemeyer, of Green-ich Conn i Broadway, No 300, five-story brick store and its, by John Jacob Astor, of No 839 5th ave-st, s. s. 273 ft e of Avenus A, one story ame open shed, by B A & G N Williams, of 20 East 923-8t.

mere Place, 200 ft s. of 177th st, two two-ory and basedness frame dwellings, by Henrel McPrien, of No 539 East 86th st and No 101 King 81 st. st. No. 10st East, five-story brick building mot described), by James Wall, of No. 263 West 31st st. and Edward H Kelly, of No. 274 West

theit terrations; hest. Nos 109 and 111, by Arnold Adler, to to four story frame tenements.

Near Station, by New-York Catholic Protectry, to a four-story and attic brick protectory and attic brick protectory made department).

Denote Nos 112 and 114, by James Gregory fait, to a six story brick factory, store, etc., stungton axe and 180th-st. s w corner, by the Massimius, to a three-story frame dwelling of tore. dwelling inhest, Nos 11 and 13, by John E and Eva K D McLiovern and snother, of No 11 East 60th at, to two five story brick dwellings.

# Co Let for Business Durposes.

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WITH POWER DAY AND NIGHT. IN THE
METROPOLITAN REALTY BUILDING:
FIREPROOF:
Lize 60x204; windows on four sides; fronting Brooklyn
Lizidge, William and Rone sis.
RULAND & WHITING. 5 Beekman-st. Ont of Cown Property Co Let.

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me management Location elevated and dry. Table the
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the most curative bath known, needle, spray, electric massage &c. One uight's ride via the Chesapeake and Ohio Route. Leave New York in Pennsylvania Rastrosal, 500 p. m., arrive Springs 8:00 a. m. Sleepins and Dining Cars. Pull information at C. & O. Offices, 379 and 1.323 Honadway, New York, or by adressing FRED STERRY, Hot Springs, Bath Co., Va.

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ments and service. High elevation, 1½, hours from New
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content and in pursuance of the provisions of chapter 191 of
the Laws of 1888, as amended by chapter 35 of the Laws of
1810.

Fursiant to the provisions of chapter 191 of the Laws of
1810.

Fursiant to the provisions of chapter 191 of the Laws of
1810.

The same of the same of the laws of 1800. the
the is hereby given that an application will be made to
the Supress Court of the State of New York, at a Special
Term of said Court, to be held at Chambers thereof, at the
tounty Court house, in the City of New-York, on the 224
cay of August, 1835, at the opening of the fourt on that
day, or as soon thereafter as compact can be heard thereon,
for the appointment of Commissioners of Estimate in the
above-ortitled matter.

The mature and extent of the improvement hereby intended is the acquisition of talle by The Mayor, Aldermen
and Commonaity of the City of New York to certain lands
and premises, with the buildings thereon and the appartuances thereto belonging, on the northerly side of Nieteenth street and the southerty side of Nieteenth street and the southerty side of Nieteenth ward of said city, in fee simple absolute the
safate to be occurred appropriated and used to and for the
purposes specified in said chapter 191 of the Laws of 1884,
as amended by said chapter 35 of the Laws of 1885, said
properly having been duly selected and approved by the
Heard of Education as a site for school purposes, under
and in pursuance of the provisions of said chapter 191 of
the Laws of 1888, as amended by said chapter 25 of the
Laws of 1880, heigh the following described late, pieces of
parcels of land, namely:

All those certain lots, pieces or parcels of land situate,
tying and being in the Eighteenth Ward of the City of
New-York, which taken together, are bounded and described as follows:

Heagingthing at a point on the northerly side of East Nine-

All those certain lots, pieces of parcels of the City of New-York, which taken together, are bounded and acribed as follows:

Beginning at a point on the northerly sade of East Nimeteenth street, distant westerly 380 feet from the intersection of the westerly sile of First avenue with the northerly side of Nineteenth street, running thence westerly and along said northerly sile of Nineteenth street; running thence westerly and along said northerly sile of Nineteenth street; side of First avenue 92 feet to the centre line of the block between Nineteenth and Twentieth streets; inenes westerly and along said centre line of the block for feet of inches; thence northerly and parallel with the said easterly side of First avenue, and parallel with the said easterly side of First avenue, and westerly along said southerly side of Twentieth street; thence casterly along said southerly side of Twentieth street; thence casterly along said southerly side of Twentieth street; thence casterly along said southerly side of Twentieth street; thence casterly along said southerly side of Twentieth street; thence casterly along said southerly side of Twentieth street; thence casterly along said southerly side of Twentieth street; thence casterly along said southerly side of Twentieth street; thence casterly along said southerly side of Twentieth street; thence southerly side of twentieth street to the point of the site of what was formerly Primary School No 28 184 feet to the northerly side of Nineteenth street to the point of place of beginning.

Dated New-York City.

CUPREME COURT.—In the matter of the

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